

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**ANGEL MOORMAN,**

Plaintiff,

v.

**Civil Action No. 5:23-CV-334  
Judge Bailey**

**UNITED STATES OF AMERICA,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon the magistrate judge's recommendation that the plaintiff's Federal Tort Claims Act Complaint [Doc. 5] be dismissed without prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 12] is **ADOPTED**. Plaintiff's Federal Tort Claims Act Complaint [Doc. 5] is hereby **DISMISSED WITHOUT PREJUDICE**. Further, plaintiff's Motion for Leave to Proceed *in forma pauperis* [Doc. 6] is **DENIED AS MOOT**. The Clerk is **DIRECTED TO STRIKE** the above-styled matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to send a copy to plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket.

**DATED:** March 13, 2024.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE